

**RIGHT-TO-KNOW/OPEN RECORDS POLICY
BOROUGH OF MUNCY**

The Borough of Muncy acknowledges that Pennsylvania has enacted the Pennsylvania Right-To-Know Law, effective January 1, 2009. Pursuant to Section 504(a) thereto, the Borough of Muncy is implementing this Policy, which it believes is necessary to implement this act within the Borough. Therefore this Policy, together with the related procedure, will be implemented to ensure the Borough of Muncy's compliance with the Pennsylvania Right-To-Know Law, effective January 1, 2009.

1. Public Records. A record in the possession of the Borough of Muncy is presumed to be a public record unless:
 - (a) The record is exempt under Section 708 of the Right-To-Know Law;
 - (b) The record is protected by a privilege, such as the attorney-client privilege; or
 - (c) The record is exempt from disclosure under any other Federal or State Law or Regulation or Judicial Order or Decree.
2. Open-Records Officer. Pursuant to Section 502 of the Right-To-Know Law, the Borough of Muncy shall designate an official or employee to act as the Open-Records Officer.

The Open-Records Officer shall:

- (a) Receive all written or verbal request for access to records, and with respect to written requests:
 - (1) Note the date of receipt on the written request;
 - (2) Make a notation of the five (5) day response period on the request;and
 - (3) Maintain copies of written requests.
- (b) Determine if the record requested is a public record and whether the public record is exempt or protected from disclosure;
- (c) Receive all application fees required to receive access to the record requested;

- (d) Ensure that, if the record is disclosable, a response is given to the requester within five (5) business days of the receipt of the request, unless an extension of time is deemed necessary;
 - (e) If an extension of time is determined to be necessary pursuant to section 902 of the Right-To-Know Law, provide notice to the requester that:
 - (1) The request for access is being reviewed;
 - (2) The reason for the review;
 - (3) A reasonable date that a response is expected to be provided; and
 - (4) An estimate of applicable fees owed when the record becomes available.
 - (f) If a denial of a request is necessary, issue the denial in writing and include:
 - (1) A description of the record requested;
 - (2) The specific reasons for the denial, including a citation of supporting legal authority;
 - (3) The typed or printed name, title, business address, business telephone number and signature of the Open-Records Officer on whose authority the denial is issued;
 - (4) The date of the response; and
 - (5) The procedure to appeal the denial of access under the Right-To-Know Law.
3. **Procedure.** The procedure for making a request for a public record is as follows:
- (a) *Request.* A request for disclosure of a record may be verbal or written, but must be written in order for the requester to pursue the relief and remedies set forth in the Right-To-Know Law.
- A request may be submitted in person, by mail, by e-mail, or by facsimile on the form attached hereto as Exhibit "A". The request must be submitted to the Open-Records Officer. Employees of the Borough of Muncy are instructed to forward requests for records to the Open-Records Officer.

(b) *Response.* The Borough of Muncy must respond to requests within five (5) business days. A thirty (30) day extension may be granted for the following reasons:

- (1) Redaction is required;
- (2) The record is in a remote location;
- (3) A timely response cannot be accomplished due to bona fide and specified staffing limitations;
- (4) Legal review is necessary;
- (5) The request is not in compliance with this policy;
- (6) The requester refuses to pay applicable authorized fees; or
- (7) The extent or nature of the request precludes a response within the required time period.

(c) *Denials.* The Borough of Muncy may not deny access based on the intended use of the material by the requester.

The Borough of Muncy may deny disruptive requests, requests where timely access is not possible due to fire, flood, or other disaster, or to historical, ancient or rare records when access may cause physical damage or irreparable harm to the record.

Denials shall be in writing and follow the procedure set forth in Section 2(f), *supra*.

(d) *Appeals.* The requester may appeal a denial or deemed denial within fifteen (15) business days of the agency's response or within fifteen (15) business days of the deemed denial. The appeal must be filed with the Office of Open Records or other appeals officer established by Section 503(d) of the Right-To-Know Law, if applicable. The appeal must state the grounds upon which the requester asserts that the record is a public record and must include the grounds stated by the Borough for delaying or denying the request.

4. Fees. Applicable fees are listed on the attached Exhibit "B" as may be amended from time to time, and include the following:
 - (a) Postage, which may not exceed the actual cost of mailing.
 - (b) Duplication fees, as established by the Office of Open Records.
 - (c) Certification, which must be requested by the requester for the purposes of legally verifying the public record.
 - (d) Conversion to paper.
 - (e) Enhanced electronic access, which must be approved by the Office of Open Records.
5. Posting. The following information must be posted at the offices of the Borough of Muncy and its website, if applicable;
 - (a) Contact information for the Open-Records Officer;
 - (b) Contact information for the Office of Open Records or other applicable appeals officer;
 - (c) A form which may be used to file a request; and
 - (d) Regulations, policies and procedures of the Borough of Muncy relating to the Right-To-Know Law.
6. Effective Date. This Right-To-Know/Open Records Policy of the Borough of Muncy is effective on January 1, 2009, consistent with the requirements of the Pennsylvania Right-To-Know Law.